Statement regarding the application for the recall of Senator Ben Stevens
By: Laura A.Glaiser, Director
Division of Elections
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I am notifying the recall committee today that I am not certifying the application for recall of Senator Ben Stevens.

The basis for denial of an application for recall is set out in AS 15.45.550, which provides four reasons to deny:

1) the application is not substantially in the required form;
2) the application was filed during the first 120 days of the term of office of the official subject to recall or within less than 180 days of the termination of the term of office of any official subject to recall;
3) the person named in the application is not subject to recall; or
4) there is an insufficient number of qualified subscribers.

The Division qualified 1,352 signers of the petition. Senator Stevens by virtue of being a member of the state legislature may be subject to recall; and the application was filed within the appropriate time of his term.

The application must particularly describe the grounds for recall in not more than 200 words.

The question of whether the application is in the required form, which includes the requirement that the grounds for recall be described in not more than 200 words is the key to my decision.

I have reviewed both the legal review done by private counsel in the Ogan recall and the legal review by the Department of Law in this case. The difference between the grounds for recall submitted in the Ogan case and the grounds submitted in this case is substantial. I agree with the Department that even when the allegations unrelated to Senator Stevens are removed from the group's stated grounds for recall, the grounds submitted in this case were not "sufficiently particular."

There are some that have asked why there was no independent counsel to advise me in this case as there was in the recall in 2004. The circumstances are not the same. When the group filed the application for the recall of Senator Scott Ogan last year, there were accusations that the Attorney General and I had predetermined the validity of the grounds for recall. While that was not true, I believed that one way to ensure Alaskans' confidence in my review of the application was to seek independent counsel for the legal review.

In this case, no such allegations were made. While the decision to certify the application or deny certification is the Director's in Alaska's law, I requested the Department's review and opinion of the grounds.

The recall of elected officials is provided for by Article XI, Section 8 of Alaska's Constitution with procedures for recall further defined by the Legislature in Title 29 and Title 15. There are no regulations governing recall procedures. Recall procedures for legislators, the Governor and Lieutenant Governor are defined in Title 15. The Alaska Supreme Court has yet to interpret the recall of officials under Title 15.

As Director of the Division of Elections, the decision in recalls of elected officials falls to me. This is different than the decisions regarding initiatives or referendums where the Lieutenant Governor's decision is final. Lieutenant Governor Leman urged me to be thoughtful, accurate and thorough in reaching a conclusion when considering this application. I understand the gravity of this decision and have taken my charge seriously. Some people may disagree with my decision, but I believe I have met my statutory obligations while being thoughtful, accurate and thorough in reaching this conclusion.

Provided by: Laura Glaiser, Director
Division of Elections

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